

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

NELSON NICOLAS NUNEZ-ACOSTA,
and FELIPE GENAO MINAYA,

Defendants.

4:18CR3058

ORDER

Defendant Minaya has moved to continue the pretrial motion deadline, (Filing No. 36), because Defendant needs additional time to investigate this case and prepare for trial. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Minaya's motion to continue, (Filing No. 36), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before September 28, 2018.
- 3) **As to both defendants**, trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 29, 2018, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and **as to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and September 28, 2018, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act,

because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

July 23, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge